

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL DOCKET NO.: 3:01CV227-V

PAUL DAMERON MIDGETT,)
Plaintiff,)
vs.)
MECKLENBURG COUNTY, a political)
subdivision; JIM PENDERGRAPH, individually)
and in his position as sergeant, Mecklenburg) O R D E R
County Sheriff's Office; DOLTHEIA F. THIGPEN,)
individually and in her capacity as officer,)
Mecklenburg County Sheriff's Office;)
AERRIS B. SMITH, individually and in his)
capacity as officer, Mecklenburg County)
Sheriff's Office; RODNEY M. COLLINS,)
individually and in his capacity as captain,)
Mecklenburg County Sheriff's Office, and)
GABRIEL HILL, individually and in his)
capacity as officer, Mecklenburg)
County Sheriff's Office,)
PEERLESS INSURANCE CO.,)
Defendants.)

)

THIS MATTER comes before the Court on Plaintiff's Motion For De Novo Review
Of Magistrate Judge's Denial Of Motion To Remove Womble Carlyle Sandridge & Rice,
filed April 5, 2005, and Defendants' Response, filed April 11, 2005. (Documents #59, #60)

Plaintiff seeks *de novo* review of Magistrate Judge Keesler's Order denying
Plaintiff's Motion For Disqualification Of Defense Counsel, namely, Womble Carlyle
Sandridge & Rice. (Document #56)

For the reasons cited within Defendants' memorandum of law in opposition,
Plaintiff's Motion For De Novo Review Of Magistrate Judge's Denial Of Motion To Remove
Womble Carlyle Sandridge & Rice will be summarily denied. Moreover, to the extent
Plaintiff seeks a review of the Magistrate Judge's ruling pursuant to 28 U.S.C.

§636(b)(1)(A), which subjects the decision to a “clearly erroneous or contrary to law” standard, the Court likewise rejects Plaintiff’s objections to the Magistrate Judge’s March 22, 2005 Order. 28 U.S.C. § 636(b)(1)(A); FED. R. CIV. P. 72(a).

IT IS, THEREFORE, ORDERED THAT:

1) Plaintiff’s Motion To Remove Womble, Carlyle, Sandridge, and Rice is hereby **DENIED**.

Signed: June 16, 2005



Richard L. Voorhees
United States District Judge

